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In re Application of :
APPLEYARD, Richard :
Application No.: 09/980,562 :
PCT No.: PCT/AU00/00420 :
Int. Filing Date: 05 May 2000 :
Priority Date: 05 May 1999 :
Attorney Docket No.: WATE-0011 :
For: INDUSTRIAL PRESS SAFETY SYSTEM :

DECISION ON PETITION

This application is before the PCT Legal Office for issues arising under 35 U.S.C. 371.

BACKGROUND

On 05 May 2000, applicant filed international application no. PCT/AU00/00420 which claimed priority date of 05 May 1999. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 16 November 2000. A Demand was filed with the International Preliminary Examination Authority. As a result, the deadline for entry into the national stage in the United States expired 30 months from the priority date, on 05 November 2001.

On 01 November 2001, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee; a preliminary amendment; and a copy of the international preliminary examination report.

On 29 January 2002, the United States Elected Office mailed a NOTIFICATION OF ABANDONMENT UNDER 37 CFR 1.495 (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

On 04 February 2002, applicant filed an executed declaration and power of attorney.

On 01 March 2002, applicant filed a petition to withdraw the holding of abandonment under 37 CFR 1.181. In a decision dated 11 April 2002, the PCT Legal Office granted the petition under 37 CFR 1.181 and vacated the Notification of Abandonment.